

a-1

TO: Planning Commission

FROM: Len Mansell, Planner III

DATE: *December 8, 2005*

SUBJECT: General Plan Conformity Report for **the abandonment of 15'-0" on both sides of 1st St. between Pasadena Drive and Santa Ysabel Avenue.**
(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable circulation provisions of the general plan.



a-2
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Promoting the wise use of land
Helping build great communities

DETERMINATION DATE January 12, 2006	CONTACT/PHONE Leonard F. Mansell 781-5199	APPLICANT Ron Stotz et.al.	FILE NO. SUB2004-00320
SUBJECT Determination of conformity with the General Plan for the abandonment of a 15'-0" strip of right of way on both the east and west side of 1st St. between Santa Maria Ave. and Santa Ysabel Ave The project is located in the community of Los Osos in the Estero planning area.			
RECOMMENDED ACTION Receive and file the determination that the proposed vacation is in conformity with the County General Plan			
ENVIRONMENTAL DETERMINATION Not required for conformity reports			
LAND USE CATEGORY RESIDENTIAL SINGLE FAMILY	COMBINING DESIGNATION CAZ / SSN / LCP / AS	ASSESSOR PARCEL NUMBER 038-011-007,038-011-015 038-011-025 thru 038-011-029 038-011-033,038-733-007/008,038-734-007/008)	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Chapter 4 Circulation/Chapter 8 RSF Height Limitations/Setbacks-Community wide			
EXISTING USES: Residential Single Family			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family East: Residential Single Family South: Residential Single Family West: Residential Single Family			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Counsel			
TOPOGRAPHY: Flat to gently rolling sand hills		VEGETATION: Urban Landscape	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: County Fire Department		ACCEPTANCE DATE: June 22,2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

PROJECT DESCRIPTION

This request is to abandon 15'-0" on both sides of 1st St. between Pasadena Drive and Santa Ysabel Avenue. The vacation of this right of way will give back to the respective property owners the square footage of land that the owners have been maintaining for years. This portion of 1st St. is not designated for sewer placement in the future.

GENERAL PLAN CONFORMITY

When the county receives a request for the disposal of real property, in the form of public right-of-way or private easement, within the unincorporated area, the proposal must be evaluated for consistency with the county General Plan before the action is authorized. Pursuant to Government Code section 65100, the Planning Department is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

The determination of conformity is to be based on the County General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in the Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.
2. The project is consistent with the goals, objectives and policies of the Land Use Element, and any other applicable General Plan Element.

The vacation of this right-of-way/easement meets the factors as set forth in the Land Use Element as enumerated above.

The abandonment of a right-of-way does not extinguish rights of properties that have legally-established easements over the right-of-way. These properties maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it to the private use by those who have easements.

The Board of Supervisors can retain public circulation in an abandoned right-of-way for purposes of slope easements, trails or equestrian trails.

PROCESS

The road abandonment process proceeds to the Board of Supervisors via a public hearing process after the findings of conformity with the General plan are made. The project is introduced as a proposed "intent to abandon a road" and then is scheduled no sooner than four weeks after introduction as a full public hearing before the Board of Supervisors. Mailed notice is given to all properties that have direct access to the road proposed for abandonment. Typically, road abandonment proposals are exempt from environmental review, however, each proposal is evaluated individually.

a-4

Conformity Report /**Stotz**
Page 3

OTHER AGENCY COMMENTS

The Los Osos Community Advisory Counsel had specific concerns regarding this abandonment. First and foremost, their concern is the front setback along this area can then be adjusted forward creating a setback that is not uniform with the rest of 1st St. When these lots and right of ways were created as part of Tract 40, each lot of that tract was granted exclusive easement to use 1st St. for ingress/egress. Listed above under General Plan Conformity it states ***The abandonment of a right-of-way does not extinguish rights of properties that have legally-established easements over the right-of-way.*** The recording of Tract 40 establishes all property owners in Tract 40 the easement over the right of way. The County cannot grant approval to an applicant to build on an easement/right of way.

2-5

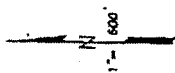
DETERMINATION AND FINDINGS

The proposed vacation (as shown on Exhibit A) is in conformity with the county General Plan based on the following findings:

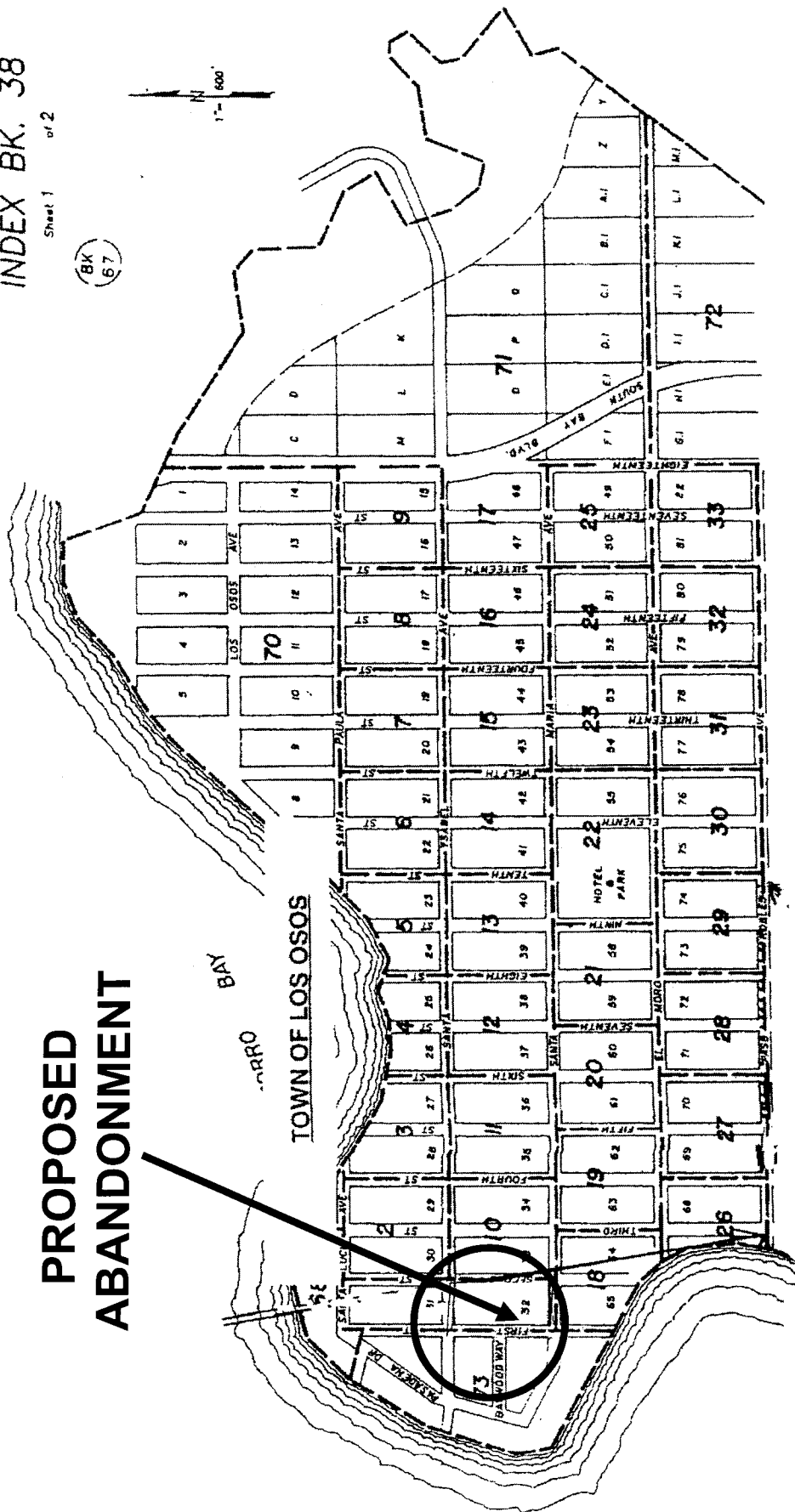
- A. The proposed vacation is in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for circulation
- B. The proposal vacation does not conflict with other elements of the County General Plan. The use of the site for **Residential Single Family** is consistent with the County General Plan and any applicable Specific Plans.

Sheet 1 of 2

67 BX



PROPOSED ABANDONMENT

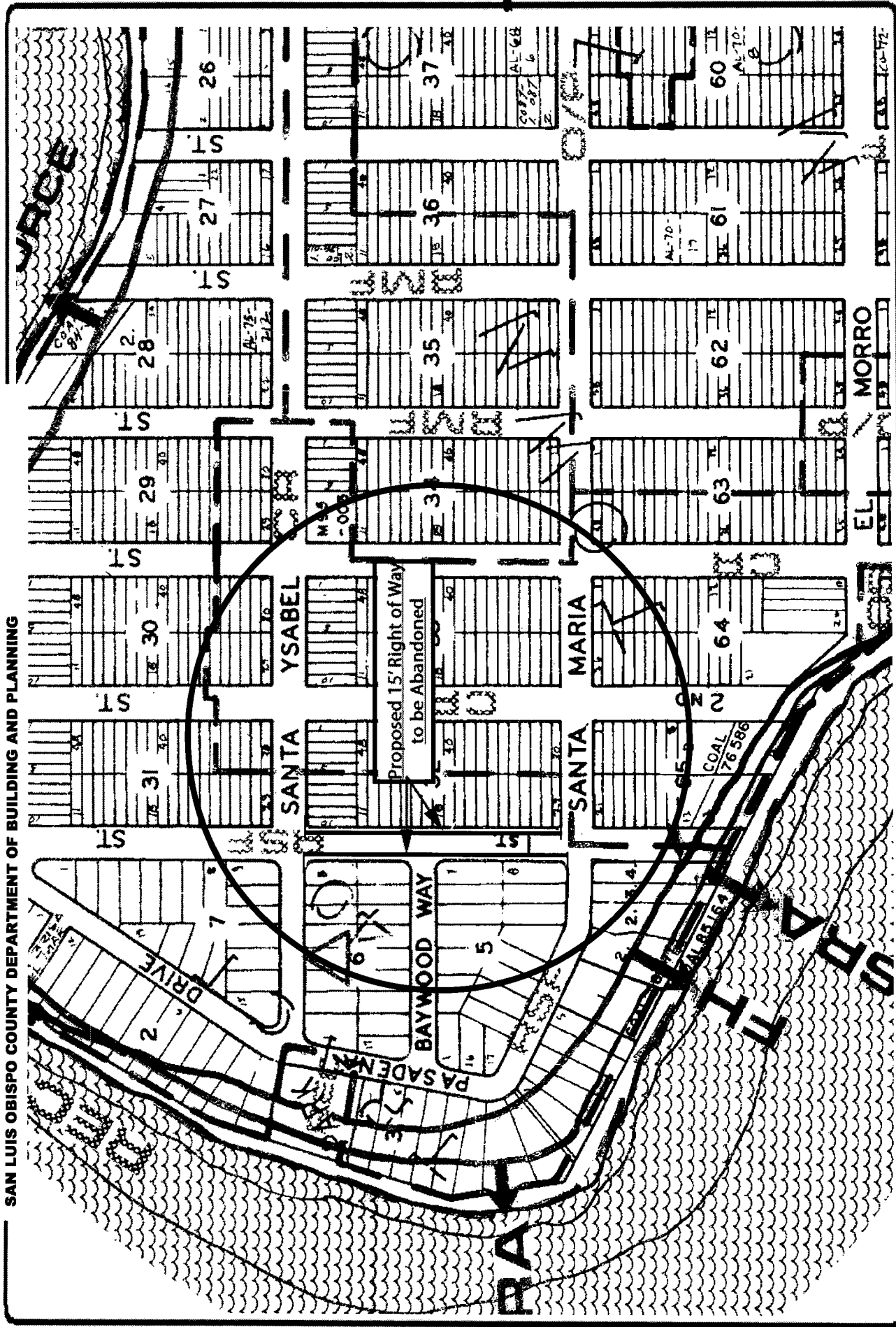


Road Abandonment
Stotz SUB2004-00320

Los Osos Vicinity



a-7



PROJECT

Road Abandonment
Stotz SUB2004-00320

EXHIBIT

Site Plan

